

# Senate Study Bill 1144

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CO=CHAIRPERSON JOHNSON)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the regulation of agricultural seed, by  
2 providing for preemption of local legislation.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1996SC 81  
5 da/pj/5

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1 1 Section 1. Section 199.1, Code 2005, is amended by adding  
1 2 the following new subsections:  
1 3 NEW SUBSECTION. 11A. a. "Local governmental entity"  
1 4 means any political subdivision, or any state authority which  
1 5 is not any of the following:  
1 6 (1) The general assembly.  
1 7 (2) A principal central department as enumerated in  
1 8 section 7E.5, or a unit of a principal central department.  
1 9 b. "Local governmental entity" includes but is not limited  
1 10 to a county, special district, township, or city as provided  
1 11 in title IX of this Code.  
1 12 NEW SUBSECTION. 11B. "Local legislation" means any  
1 13 ordinance, motion, resolution, amendment, regulation, or rule  
1 14 adopted by a local governmental entity.  
1 15 Sec. 2. NEW SECTION. 199.13A LOCAL LEGISLATION ==  
1 16 PROHIBITION.  
1 17 1. The provisions of this chapter and rules adopted by the  
1 18 department pursuant to this chapter shall preempt local  
1 19 legislation adopted by a local governmental entity relating to  
1 20 the production, use, advertising, sale, distribution, storage,  
1 21 transportation, formulation, packaging, labeling,  
1 22 certification, or registration of an agricultural seed. A  
1 23 local governmental entity shall not adopt or continue in  
1 24 effect such local legislation regardless of whether a statute  
1 25 or a rule adopted by the department specifically preempts the  
1 26 local legislation. Local legislation in violation of this  
1 27 section is void and unenforceable.  
1 28 2. This section does not apply to local legislation of  
1 29 general applicability to commercial activity.  
1 30 EXPLANATION  
1 31 This bill amends provisions in Code chapter 199 regulating  
1 32 the sale of agricultural seed. This includes grass, forage,  
1 33 cereal, oil, fiber, and any other kind of crop seed. It  
1 34 includes those seeds commonly recognized as crop seed, lawn  
1 35 seed, or vegetable seed. Code chapter 199 is regulated by the  
2 1 department of agriculture and land stewardship.  
2 2 The bill preempts a local governmental entity, including a  
2 3 county, special district, township, or city, from adopting or  
2 4 enforcing legislation which relates to the production, use,  
2 5 advertising, sale, distribution, storage, transportation,  
2 6 formulation, packaging, labeling, certification, or  
2 7 registration of agricultural seed. The local legislation is  
2 8 void and unenforceable.  
2 9 The bill includes a provision which allows a local  
2 10 governmental entity to adopt legislation which regulates  
2 11 commercial activities generally without targeting a specific  
2 12 industry.  
2 13 LSB 1996SC 81  
2 14 da:nh/pj/5.1